1952. **File No.** Motor II/52 (N)

Legal Deptt

B BRANCH

Subject:— Notifications under the Motor Vehicles Act, 1939

P.3/E

File No. Motor II/52 (N)

Gen. 194

437-B

Legal Department.

A revised draft notifiction is sent herewith.

2. Incidentally it is pointed out that in the preamble a reference is made to G.N.,R.D.No. 3680/39(a), dated the 11th Spetember, 1940. That notification has been issued under section 71 of the Motor Vehicles Act, 1939, As the notfication proppsed to b-e issued falls under section 74, and it supersedes all previous notifictions issued undersection 71 would continue to operate even without being specifically mentioned in the preamble. The reference to the notificatiom has therefore beam deleted from the preambly. Perhaps what was intended to be saved was another G.N., H.D. No.3680/39, dated the 11th Spetember 1940 issued under section 74 of the Act under which driving of motor vehicles on the Ghat by night was prohibited. As it is likely to be contended that that notification stands cancelled under G.N., H.D. No. 8413/5, dated the 24th April 1951, it is advisable to issue it again even though it might be argued that what was superseded were the notifications issued previously on the subject and not all kinds of notifications which can be issued under section 74.

Id/- J.R.D.
25/3

Additional Secretary to Government.

U.R. to H.D. No. 4596,

dated the 26th March, 1952.

JPE.27/6/56.4c.

Legal Department.

As the amendments are many, it will be desirable to supersede the notfification of 1949 and to issue a fesh notification embodying therein all the amendments now prpposed. A revised draft notification is accordingly sent herewith subject to the following observations :

2. It appears that the rate of 9 pies per passenger mile is to apply to stage-carriages plying in a municipal or cantonment area and that the rate of 3as. for each stage of 4 miles or part thereof is to be applied in areas other than a minicipal or cantomment area. This fact has been brought out clearly in the revised draft. It is true that the rate of 3as for each stage of 4 miles has been calculated on the basis of 9 pies per passenger mile but it is not necessary to specify in the notification on what basis the rate of 3 as. for each stage of 4 miles has been arrived at because the intention is to charge a passenger in multiples of 3 as. the minimum rate being 3 as. (vide 'X' on p. 247).

3. The General Manager, Bombay State Road Transport Copporation, has requested Government that the Government notification No. 1449/5 dated 22/2/49 should be amended in such a way that the Bombay State Road Transport Corporation will have the option of fixing fares either

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on the basis of traffic centres at the rate of 9 pies per passenger mile or alternatively on the absis of stages, the charge being 3 as. f for each stage of 4 miles or part thereof.
In case Government had accepted this proposal alzaltm of alternative method of charging fare, his further proposal was to round off fractions of a mile and fractions of an anna as that would be advantageexxous to the administration (vide protion 'A(of his letter at p. 259).
The Government decision however is to have the expedient of 4 miles stage already in vogue on most of the routes. In view of this decision the question of rounding off either fractions of mile or fractions of an anna would not arise.

Id/- J.R.D.
24/10
Deputy
Additional Secretary to Government.

U.R. to H.D. No. 17706/B,
dated the 25th October 1952.

JPE.27/6/56.4c.